

HOUSE BILL NO. 306

INTRODUCED BY J. BALYEAT, ADAMS, R. BROWN, BRUEGGEMAN, CLANCY, FACEY, FORRESTER,
FUCHS, GALLUS, GOLIE, JENT, KEENAN, LASZLOFFY, LEWIS, ROME, VICK, WAITSCHIES,
WALTERS, WHITAKER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE REQUIREMENTS FOR SETTING ASIDE
NONRESIDENT BIG GAME COMBINATION AND DEER COMBINATION LICENSES, INCLUDING THE
VARIABLY PRICED LICENSES THAT FUND THE HUNTER MANAGEMENT AND HUNTING ACCESS
ENHANCEMENT PROGRAMS; ~~PROVIDING THAT NONRESIDENT BIG GAME AND DEER COMBINATION~~
~~LICENSES PRESENTLY SET ASIDE AS OUTFITTER-SPONSORED LICENSES MAY ALSO BE SET ASIDE FOR~~
~~A NONRESIDENT WHO INTENDS TO HUNT WITH A LICENSED MONTANA RESIDENT HUNTER; SETTING~~
ASIDE 1,000 CLASS B-10 AND 500 CLASS B-11 NONRESIDENT COMBINATION LICENSES FOR USE BY
NONRESIDENTS WHO INTEND TO HUNT WITH LICENSED MONTANA RELATIVES; LIMITING TO TWO THE
NUMBER OF NONRESIDENT RELATIVE HUNTERS THAT MAY BE SPONSORED BY A LICENSED MONTANA
RESIDENT HUNTER DURING A LICENSE YEAR; INCREASING THE TOTAL AMOUNT OF COMPENSATION
THAT MAY BE PROVIDED TO A LANDOWNER WHO PARTICIPATES IN THE HUNTER MANAGEMENT AND
HUNTING ACCESS ENHANCEMENT PROGRAMS FROM \$8,000 TO \$12,000; ~~ESTABLISHING THE~~
~~COMPENSATION FOR EACH HUNTER DAY THAT A LANDOWNER PROVIDES HUNTING ACCESS FOR~~
~~UNRESTRICTED BIG GAME AT \$12 A DAY; REQUIRING THE REVIEW COMMITTEE TO REPORT ON THE~~
IMPLEMENTATION AND SUCCESS OF THE RESIDENT-SPONSORED NONRESIDENT HUNTER PROGRAM;
AMENDING SECTIONS 87-1-267, 87-1-268, 87-1-269, 87-2-505, 87-2-510, 87-2-511, AND 87-2-512,
MCA; AND PROVIDING A DELAYED EFFECTIVE DATES DATE AND A TERMINATION DATE."

~~WHEREAS, the Legislature established an experimental plan in 1995 to attempt to achieve balance~~
~~between the competing interests of landowners, resident hunters, and outfitters; and~~

~~WHEREAS, it has always been understood that, after a period of study, the plan may have to be~~
~~adjusted to maintain balance between those competing wildlife interests; and~~

~~WHEREAS, it has become apparent that the present system is not a level playing field and that~~
~~outfitters have been given too much advantage and are using that state-granted advantage to acquire more~~
~~and more hunting rights to the detriment of resident hunters; and~~

~~WHEREAS, the present system grants outfitters a government-guaranteed income stream by requiring that nonresidents who wish to purchase a guaranteed-issue big game license must agree to contract the services of an outfitter; and~~

~~WHEREAS, the Legislature believes that this government-guaranteed income to outfitters has intruded into the free marketplace for hunting leases and hunting rights and that this intrusion has removed thousands more acres from access by resident hunters than was intended under the experimental plan; and~~

~~WHEREAS, this government-mandated outfitter requirement has also had the negative side effect of impinging on the freedom of Montana residents to take their nonresident relatives hunting; and~~

~~WHEREAS, the Legislature believes that adjustments can be made to restore a balance between outfitters, nonresidents, and resident hunters without negatively impacting landowner interests; and~~

~~WHEREAS, the Legislature believes that these adjustments will actually generate more money from the sale of nonresident guaranteed-issue licenses; and~~

~~WHEREAS, the Legislature desires that any additional money generated be put back into the block management program to increase landowner incentives to provide enhanced hunting access.~~

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 87-1-267, MCA, is amended to read:

"87-1-267. (Temporary) Hunting access enhancement program -- benefits for providing hunting access -- cooperative agreement -- factors for determining benefits earned -- restriction on landowner liability. (1) As provided in 87-1-265, the department may establish and administer a voluntary program to enhance the block management program, to be known as the hunting access enhancement program. The program must be designed to provide tangible benefits to participating private landowners who grant access to their land for public hunting.

(2) Land is not eligible for inclusion in the hunting access enhancement program if outfitting or commercial hunting restricts public hunting opportunities.

(3) A contract for participation in the hunting access enhancement program is established through a cooperative agreement between the landowner and the department that will guarantee reasonable access for public hunting. Landowners may also form a voluntary association when development of a unified

cooperative agreement is advantageous. A cooperative agreement must contain a detailed description of the plan developed by the landowner and the department and may include but is not limited to:

- (a) hunting access management;
- (b) services to be provided to the public;
- (c) ranch rules and other restrictions; and
- (d) any other management information to be gathered, which must be made available to the public.

(4) If the department determines that the plan referred to in subsection (3) may adversely influence game management decisions or wildlife habitat on public lands outside the block management area, then other public land agencies, interested sportspersons, and affected landowners must be consulted. An affected landowner's management goals and personal observations regarding game populations and habitat use must be considered in developing the plan.

(5) The commission shall develop rules for determining tangible benefits to be provided to a landowner for providing public hunting access. Benefits will be provided to offset potential impacts associated with public hunting access, including but not limited to those associated with general ranch maintenance, conservation efforts, weed control, fire protection, liability insurance, roads, fences, and parking area maintenance. Factors used in determining benefits may include but are not limited to:

- (a) the number of days of public hunting provided by a participating landowner;
- (b) wildlife habitat provided;
- (c) resident game populations;
- (d) number, sex, and species of animals taken; and
- (e) access provided to adjacent public lands.

(6) Benefits earned by a landowner under this section may be applied in, but application is not limited to, the following manner:

(a) A landowner may direct weed control payments to be made directly to the county weed control board or may elect to receive payments directly.

(b) A landowner may direct fire protection payments to be made directly to the local fire district or the county where the landowner resides or may elect to receive payments directly.

(c) A landowner may receive direct payment to offset insurance costs incurred for allowing public hunting access.

(d) The department may provide assistance in the construction and maintenance of roads, gates,

1 and parking facilities and in the signing of property.

2 ~~_____ (c) The IF COMPENSATION IS CALCULATED USING A FORMULA BASED ON HUNTER DAYS, THE department shall~~
3 ~~provide compensation in the amount of \$12 for each hunter day for which access is provided for~~
4 ~~unrestricted big game hunting.~~

5 (7) The commission may provide a total of not more than ~~\$8,000~~ \$12,000 a year to a landowner
6 who participates in the hunter management program or hunting access enhancement program, or both,
7 subject to the conditions set out in 87-1-266(4).

8 (8) The restriction on liability of a landowner, agent, or tenant that is provided under 70-16-302(1)
9 applies to a landowner who participates in the hunting access enhancement program. (Terminates March
10 1, 2006--sec. 6, Ch. 544, L. 1999.)"

11

12 **Section 2.** Section 87-1-268, MCA, is amended to read:

13 **"87-1-268. (Temporary) Variable pricing of outfitter-sponsored and resident-sponsored Class B-10**
14 **and B-11 licenses.** The commission shall annually set fees for outfitter-sponsored and resident-sponsored
15 Class B-10 and Class B-11 licenses allowed under 87-2-505 and 87-2-510. The fees FOR
16 OUTFITTER-SPONSORED LICENSES must be set at a market rate intended to sell as close to but not more than
17 an average of 5,500 Class B-10 licenses and 2,300 Class B-11 licenses each year, calculated over a
18 5-year period. THE FEES FOR THE 1,000 CLASS B-10 AND 500 CLASS B-11 RESIDENT-SPONSORED LICENSES SET ASIDE
19 IN 87-2-511(1)(B) MUST CORRESPOND TO THE SALE PRICE SET ANNUALLY FOR OUTFITTER-SPONSORED LICENSES
20 PURSUANT TO THIS SECTION. The sale period for the licenses must be established so that by the last date in
21 the established period, those licenses that are unsold, up to ~~5,500~~ 6,500 Class B-10 licenses and ~~2,300~~
22 2,800 Class B-11 licenses, may be reallocated by the commission for a drawing at a price set by the
23 commission. (Terminates March 1, 2006--sec. 6, Ch. 544, L. 1999.)"

24

25 **SECTION 3. SECTION 87-1-269, MCA, IS AMENDED TO READ:**

26 **"87-1-269. (Temporary) Report required -- review committee.** (1) The governor shall appoint a
27 committee of persons interested in issues related to hunters, landowners, and outfitters, including but not
28 limited to the hunting access enhancement program, landowner-hunter relations, outfitting industry issues,
29 and other issues related to private lands and public wildlife. The committee must have broad representation
30 of landowners, outfitters, and sportspersons. The department may provide administrative assistance as

1 necessary to assist the review committee.

2 (2) The review committee shall report to the governor and to the ~~57th~~ 58th legislature regarding
3 the success of various elements of the hunting access enhancement program, including a report of annual
4 landowner participation, the number of acres annually enrolled in the program, hunter harvest success on
5 enrolled lands, the number of qualified applicants who were denied enrollment because of a shortfall in
6 funding, and an accounting of program expenditures, and make suggestions for funding, modification, or
7 improvement needed to achieve the objectives of the program. The review committee shall also report to
8 the governor and the 58th legislature regarding the implementation and success of the resident-sponsored
9 nonresident hunter program.

10 (3) The director may appoint additional advisory committees that are considered necessary to
11 assist in the implementation of the hunting access enhancement program and to advise the commission
12 regarding the development of rules implementing the hunting access enhancement program. (Terminates
13 March 1, 2006--sec. 6, Ch. 544, L. 1999.)"

14

15 **Section 4.** Section 87-2-505, MCA, is amended to read:

16 **"87-2-505. (Temporary) Class B-10--nonresident big game combination license.** (1) Except as
17 otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12
18 years of age or older or who will turn 12 years ~~old~~ of age before or during the season for which the license
19 is issued may, upon payment of the fee of \$475 ~~or~~ upon payment of the fee established as provided in
20 87-1-268 if the license is one of the licenses reserved pursuant to 87-2-511(1)(a) for applicants indicating
21 their intent to use the services of a licensed outfitter, or UPON PAYMENT OF THE FEE ESTABLISHED IN 87-1-268
22 IF THE LICENSE IS ONE OF THE LICENSES RESERVED PURSUANT TO 87-2-511(1)(B) FOR APPLICANTS INDICATING THEIR
23 INTENT to hunt while physically accompanied by a licensed Montana resident hunter WHO IS A RELATIVE OF
24 THE APPLICANT and subject to the limitations prescribed by law and department regulation, apply to the fish
25 and game office, Helena, Montana, to purchase a B-10 nonresident big game combination license that
26 entitles a holder who is 12 years of age or older to all the privileges of Class B, Class B-1, and Class B-7
27 licenses and an elk tag. This license includes the nonresident conservation license as prescribed in
28 87-2-202. Not more than 11,500 unreserved Class B-10 licenses may be sold in any 1 license year.

29 (2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10
30 big game combination license drawing may pay a fee of \$25 to participate in a preference system for deer

1 and elk permits established by the commission. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993;
2 sec. 6, Ch. 544, L. 1999.)

3 **87-2-505. (Effective March 1, 2006) Class B-10--nonresident big game combination license.** (1)

4 Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but
5 who is 12 years of age or older or who will turn 12 years ~~old~~ of age before or during the season for which
6 the license is issued may, upon payment of the fee of \$398 or upon payment of the fee of \$408 if the
7 license is one of the 5,600 licenses reserved pursuant to 87-2-511~~(1)(a)~~ for applicants indicating their
8 intent to use the services of a licensed outfitter ~~or to hunt while physically accompanied by a licensed~~
9 ~~Montana resident hunter~~ and subject to the limitations prescribed by law and department regulation, apply
10 to the fish and game office, Helena, Montana, to purchase a B-10 nonresident big game combination
11 license ~~which shall entitle~~ that entitles a holder who is 12 years of age or older to all the privileges of Class
12 B, Class B-1, and Class B-7 licenses, and an elk tag. This license includes the nonresident conservation
13 license as prescribed in 87-2-202. Not more than 17,000 Class B-10 licenses may be sold in any ~~one~~ 1
14 license year.

15 (2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10
16 big game combination license drawing may pay a fee of \$25 to participate in a preference system for deer
17 and elk permits established by the commission."
18

19 **Section 5.** Section 87-2-510, MCA, is amended to read:

20 **"87-2-510. (Temporary) Class B-11--nonresident deer combination license.** (1) Except as
21 otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12
22 years of age or older or who will turn 12 years ~~old~~ of age before or during the season for which the license
23 is issued may, upon payment of a fee of \$245 ~~or~~ upon payment of the fee established as provided in
24 87-1-268 if the license is one of those reserved pursuant to 87-2-511(1)(a) for applicants indicating their
25 intent to use the services of a licensed outfitter or, UPON PAYMENT OF THE FEE ESTABLISHED IN 87-1-268 IF THE
26 LICENSE IS ONE OF THE LICENSES RESERVED PURSUANT TO 87-2-511(1)(B) FOR APPLICANTS INDICATING THEIR INTENT
27 to hunt while physically accompanied by a licensed Montana resident hunter WHO IS A RELATIVE OF THE
28 APPLICANT, or upon payment of the fee of \$250 if the license is one of those reserved pursuant to
29 87-2-511~~(1)(b)~~(1)(c) for applicants indicating their intent to hunt with a resident landowner sponsor on
30 land owned by that sponsor and subject to the limitations prescribed by law and department regulation,

1 apply to the fish and game office, Helena, Montana, to purchase a Class B-11 nonresident deer
2 combination license that entitles a holder who is 12 years of age or older to all the privileges of the Class
3 B, Class B-1, and Class B-7 licenses. This license includes the nonresident wildlife conservation license as
4 prescribed in 87-2-202.

5 (2) Not more than 2,300 unreserved Class B-11 licenses may be sold in any 1 license year.

6 (3) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11
7 deer combination license drawing may pay a fee of \$25 to participate in a preference system for deer and
8 elk permits established by the commission. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993; sec.
9 6, Ch. 544, L. 1999.)

10 **87-2-510. (Effective March 1, 2006) Class B-11--nonresident deer combination license.** (1) Except
11 as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is
12 12 years of age or older or who will turn 12 years ~~old~~ of age before or during the season for which the
13 license is issued may, upon payment of a fee of \$220 or upon payment of the fee of \$225 if the license
14 is one of the 4,000 reserved pursuant to 87-2-511 for applicants indicating their intent ~~either~~ EITHER to use
15 the services of a licensed outfitter, ~~to hunt while physically accompanied by a licensed Montana resident~~
16 ~~hunter,~~ or to hunt with a resident ~~landowner~~ sponsor on land owned by that sponsor and subject to the
17 limitations prescribed by law and department regulation, apply to the fish and game office, Helena,
18 Montana, to purchase a Class B-11 nonresident deer combination license that entitles a holder who is 12
19 years of age or older to all the privileges of the Class B, Class B-1, and Class B-7 licenses. This license
20 includes the nonresident wildlife conservation license as prescribed in 87-2-202.

21 (2) Six thousand Class B-11 licenses are authorized for sale each license year.

22 (3) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11
23 deer combination license drawing may pay a fee of \$25 to participate in a preference system for deer and
24 elk permits established by the commission."

25

26 **Section 6.** Section 87-2-511, MCA, is amended to read:

27 **"87-2-511. (Temporary) Sale and use of Class B-10 and Class B-11 licenses.** (1) (a) The
28 department shall offer the Class B-10 and Class B-11 licenses for sale on March 15, with a number of
29 authorized Class B-10 and Class B-11 licenses, as determined under 87-1-268, reserved for applicants;
30 (b) using the services of a licensed outfitter, ~~or~~.

~~(ii)(B)~~ THE DEPARTMENT SHALL RESERVE FROM THE POOL OF UNRESERVED LICENSES 1,000 CLASS B-10 LICENSES AND 500 CLASS B-11 LICENSES FOR APPLICANTS who indicate their intent to hunt while physically accompanied by a licensed Montana resident hunter WHO IS A RELATIVE OF THE APPLICANT. A LICENSED MONTANA RESIDENT HUNTER WHO AGREES TO PHYSICALLY ACCOMPANY A NONRESIDENT RELATIVE HUNTER PURSUANT TO THIS SUBSECTION (1)(B) MAY NOT SPONSOR MORE THAN TWO APPLICANTS IN ANY LICENSE YEAR. THE APPLICANT MUST BE RELATED TO THE MONTANA RESIDENT SPONSOR BY NO MORE THAN THE FOURTH DEGREE OF CONSANGUINITY OR AFFINITY. LICENSES RESERVED PURSUANT TO THIS SUBSECTION (1)(B) MUST BE OFFERED ON A FIRST-COME, FIRST-SERVE BASIS AND MAY NOT BE USED FOR COMMERCIAL PURPOSES. ~~and~~

~~(b)(C)~~ The department shall offer 2,000 of the authorized Class B-11 licenses reserved for applicants indicating their intent to hunt with a resident landowner sponsor on land owned by that sponsor, as provided in subsections (2) and (3).

(2) Each application for a resident-sponsored license under ~~subsection~~ subsections (1)(a)(ii) (1)(B) and (1)(b) (1)(c) must contain a written affirmation by the applicant that the applicant intends to hunt with a resident sponsor and must indicate the name of the resident sponsor with whom the applicant intends to hunt. In addition, the application must be accompanied by a certificate that is signed by a resident sponsor and that affirms that the resident sponsor will:

(a) direct the applicant's hunting and advise the applicant of game and trespass laws of the state;

(b) submit to the department, in a manner prescribed by the department, complete records of who hunted with the resident sponsor, where they hunted, and what game was taken; and

(c) accept no monetary consideration for enabling the nonresident applicant to obtain a license or for providing any services or assistance to the nonresident applicant, except as provided in Title 37, chapter 47, and this title.

(3) The certificate signed by ~~the~~ a resident landowner sponsor pursuant to subsection (2) must also affirm that the sponsor is a landowner and that the applicant under the certificate will hunt only on land owned by the sponsor. If there is a sufficient number of licenses set forth in subsection ~~(1)(b) (1)(c)~~, the department shall issue a license to one applicant sponsored by each resident landowner who owns 640 or more contiguous acres. If enough licenses remain for a second applicant for each resident landowner sponsor, the department shall issue a license to the second applicant sponsored by each resident landowner. The department shall conduct a drawing for any remaining ~~resident-sponsored~~ resident landowner-sponsored licenses. If there is not a sufficient number of licenses set forth in subsection ~~(1)(b)~~

1 ~~(1)(c)~~ to allow each resident landowner who owns 640 contiguous acres to sponsor one applicant, the
2 department shall conduct a drawing for the ~~resident-sponsored~~ resident landowner-sponsored licenses.
3 However, a resident landowner sponsor of a Class B-11 license may submit no more than 15 certificates
4 of sponsorship in any license year.

5 (4) Each application for an outfitter-sponsored license under subsection (1)~~(a)(i)~~ must contain a
6 written affirmation by the applicant that the applicant will hunt with a licensed outfitter for all big game
7 hunted by the applicant under the license and must indicate the name of the licensed outfitter with whom
8 the applicant will hunt. In addition, the application must be accompanied by a certificate that is signed by
9 a licensed outfitter and that affirms that the outfitter will:

10 (a) accompany the applicant;

11 (b) provide guiding services for the species hunted by the applicant;

12 (c) direct the applicant's hunting for all big game hunted by the applicant under the license and
13 advise the applicant of game and trespass laws of the state;

14 (d) submit to the department, in a manner prescribed by the department, complete records of who
15 hunted with the outfitter, where they hunted, and what game was taken; and

16 (e) accept no monetary consideration for enabling the nonresident applicant to obtain a license or
17 for providing any services or assistance to the nonresident applicant, except as provided in Title 37,
18 chapter 47, and this title.

19 (5) An outfitter-sponsored license under subsection (1)~~(a)(i)~~ is valid only when used in compliance
20 with the affirmations of the applicant and outfitter required under subsection (4). If the sponsoring outfitter
21 is unavailable or if the applicant wishes to use the services of separate outfitters for hunting different
22 species of game, an outfitter-sponsored license may be used with a substitute licensed outfitter, in
23 compliance with the affirmations under subsection (4), upon advance written notification to the board by
24 the sponsoring licensed outfitter or the substitute outfitter.

25 (6) A nonresident who hunts under the authority of a resident landowner-sponsored license shall
26 conduct all deer hunting on the deeded lands of the sponsoring landowner.

27 (7) THE HOLDER OF A RESIDENT LANDOWNER-SPONSORED LICENSE ISSUED TO A RELATIVE UNDER SUBSECTION
28 (1)(B) MAY HUNT ONLY UNDER THE AUTHORITY OF THE LICENSE WHILE PHYSICALLY ACCOMPANIED BY THE LICENSED
29 MONTANA RESIDENT HUNTER WHO SPONSORED THE LICENSE HOLDER.

30 ~~(7)(8)~~ Any permits or tags secured as a result of obtaining a Class B-10 or Class B-11 license

1 through an outfitter sponsor are valid only when hunting is conducted with a licensed outfitter.

2 ~~(8)(9)~~ The department shall make the reserved outfitter-sponsored Class B-10 and Class B-11
3 licenses that remain unsold available as provided in 87-1-268.

4 ~~(9)(10)~~ All Class B-10 and Class B-11 licenses that are not reserved under subsection (1) must be
5 issued by a drawing among all applicants for the respective unreserved licenses. (Terminates March 1,
6 2006--sec. 6, Ch. 544, L. 1999.)

7 **87-2-511. (Effective March 1, 2006) Sale of Class B-10 and Class B-11 licenses.** (1) ~~(a)~~ The
8 department shall offer the Class B-10 and Class B-11 licenses for sale on March 15, with 5,600 of the
9 authorized Class B-10 licenses and 2,000 Class B-11 licenses reserved for applicants:

10 ~~(i)~~ using the services of a licensed outfitter; ~~or~~

11 ~~— (ii) who indicate their intent to hunt while physically accompanied by a licensed Montana resident~~
12 ~~hunter, and~~

13 ~~— (b) The department shall offer AND~~ 2,000 of the authorized Class B-11 licenses reserved for
14 applicants indicating their intent to hunt with a resident ~~landowner~~ sponsor on land owned by that sponsor,
15 as provided in subsections (2) and (3).

16 (2) Each application for a resident-sponsored license under ~~subsection subsections (1)(a)(ii) and~~
17 ~~(1)(b) SUBSECTION (1)~~ must contain a written affirmation by the applicant that the applicant intends to hunt
18 with a resident sponsor and must indicate the name of the resident sponsor with whom the applicant
19 intends to hunt. In addition, the application must be accompanied by a certificate that is signed by a
20 resident sponsor and that affirms that the resident sponsor will:

21 (a) direct the applicant's hunting and advise the applicant of game and trespass laws of the state;

22 (b) submit to the department, in a manner prescribed by the department, complete records of who
23 hunted with the resident sponsor, where they hunted, and what game was taken; and

24 (c) accept no monetary consideration for enabling the nonresident applicant to obtain a license or
25 for providing any services or assistance to the nonresident applicant, except as provided in Title 37,
26 chapter 47, and this title.

27 (3) The certificate signed by ~~the a~~ resident ~~landowner~~ sponsor pursuant to subsection (2) must
28 also affirm that the sponsor is a landowner and that the applicant under the certificate will hunt only on
29 land owned by the sponsor.

30 (4) Each application for an outfitter-sponsored license under subsection (1) ~~(a)(i)~~ must contain a

1 written affirmation by the applicant that the applicant will hunt with a licensed outfitter for all big game
2 hunted by the applicant under the license and must indicate the name of the licensed outfitter with whom
3 the applicant will hunt. In addition, the application must be accompanied by a certificate that is signed by
4 a licensed outfitter and that affirms that the outfitter will:

5 (a) accompany the applicant;

6 (b) provide guiding services for the species hunted by the applicant;

7 (c) direct the applicant's hunting for all big game hunted by the applicant under the license and
8 advise the applicant of game and trespass laws of the state;

9 (d) submit to the department, in a manner prescribed by the department, complete records of who
10 hunted with the outfitter, where they hunted, and what game was taken; and

11 (e) accept no monetary consideration for enabling the nonresident applicant to obtain a license or
12 for providing any services or assistance to the nonresident applicant, except as provided in Title 37,
13 chapter 47, and this title.

14 (5) An outfitter-sponsored license under subsection (1)~~(a)(i)~~ is valid only when used in compliance
15 with the affirmations of the applicant and outfitter required under subsection (4). If the sponsoring outfitter
16 is unavailable or if the applicant wishes to use the services of separate outfitters for hunting different
17 species of game, an outfitter-sponsored license may be used with a substitute licensed outfitter, in
18 compliance with the affirmations under subsection (4), upon advance written notification to the board by
19 the sponsoring licensed outfitter or the substitute outfitter.

20 (6) The department shall make the reserved Class B-10 and Class B-11 licenses that remain unsold
21 on April 15 available to nonresident applicants without restriction as to hunting with a licensed outfitter
22 or resident sponsor.

23 (7) All Class B-10 and Class B-11 licenses that are not reserved under subsection (1) and all
24 unsold reserved licenses that are available under subsection (6) must be issued by a drawing among all
25 applicants for the respective unreserved licenses."

26
27 **Section 7.** Section 87-2-512, MCA, is amended to read:

28 **"87-2-512. (Temporary) Separation of Class B-7 license from Class B-10 license for deer**
29 **management purposes -- disposition of license revenue.** (1) The commission may by rule separate the Class
30 B-7 license from the Class B-10 license and sell the separated Class B-7 license, giving a preference to any

1 Class B-10 license holder to purchase one of the separated Class B-7 licenses. In the case of separated
2 Class B-7 licenses that are not purchased by Class B-10 license holders, the commission, for purposes of
3 sound deer management:

4 (a) may authorize the sale of not more than 5,000 Class B-7 licenses that have been separated
5 from the Class B-10 licenses, as limited by 87-2-504;

6 (b) may authorize all or a portion of the separated Class B-7 licenses to be sold as Class B-11
7 combination licenses;

8 (c) shall set the fees for the separated licenses as follows:

9 (i) the fee for a Class B-10 license without the deer tag may not be more than the fee set in
10 87-2-505 for licenses in the general category and may not be more than the fee set by the commission
11 for licenses in the outfitter-sponsored and resident-sponsored category as specified in 87-1-268; and

12 (ii) the fee for the separated Class B-11 licenses may not be more than the fees specified in
13 87-2-510 for licenses in the general and landowner-sponsored categories and may not be more than the
14 fee set by the commission for licenses in the outfitter-sponsored and resident-sponsored category as
15 specified in 87-1-268;

16 (d) may assign the separated Class B-7 or Class B-11 licenses for use in specific administrative
17 regions, portions of administrative regions, hunting districts, or portions of hunting districts;

18 (e) may allocate a portion of the separated Class B-7 or Class B-11 licenses among the general
19 and resident landowner-sponsored categories established in 87-2-510 and 87-2-511 ~~(1)(b)(1)(c)~~ but not
20 count those licenses as part of the statutory quotas, with the Class B-7 licenses then subject to the
21 requirements and procedures of 87-2-511;

22 (f) may allocate a portion of the separated Class B-7 or Class B-11 licenses to the
23 outfitter-sponsored and resident-sponsored category subject to the requirements and procedures of
24 87-2-511, except that licenses in the outfitter-sponsored and resident-sponsored category may not
25 comprise more than one-third of the licenses issued pursuant to this section and the number issued, when
26 added to the number of Class B-11 licenses issued under 87-1-268, may not exceed 2,300 in any license
27 year; and

28 (g) may condition the separated Class B-7 and Class B-11 licenses as appropriate and necessary
29 to manage the harvest of deer, including restricting the use of a license to either mule deer or whitetail
30 deer.

(2) The revenue from any Class B-11 licenses that have been separated from Class B-10 licenses must be deposited in the state special revenue account to the credit of the department and not allocated pursuant to other statutory requirements generally applicable to Class B-11 licenses. The revenue from Class B-10 licenses sold without a deer tag must be allocated in the same manner as revenue from Class B-10 licenses sold with a deer tag. (Terminates October 1, 2001--sec. 6, Ch. 355, L. 1997.)"

~~NEW SECTION. Section 7. Effective dates. (1) [Section 1 and this section] are effective on passage and approval.~~

~~(2) [Sections 2 through 6] are effective March 1, 2002.~~

NEW SECTION. SECTION 8. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE MARCH 1, 2002.

NEW SECTION. SECTION 9. TERMINATION. [THIS ACT] TERMINATES MARCH 1, 2006.

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